

Mr. Randall Munson
Munson Earth Moving
366 Dorset Street
South Burlington, VT 05403

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EXHIBIT

3

1991

Cert P409 464626
10/16/91

Re: Final Subdivision Approval

Dear Randy:

On September 24, 1991, the Underhill Planning Commission continued the final hearing on your subdivision application for Munson Farm off Pleasant Valley Road. The approved plans are printed Oct 10 1991 and are on file in the Town Clerk's Office. Mr. John Jaeger and adjoining landowners were present to offer additional information pertaining to your proposed development for consideration by the planning commission.

We concluded the final hearing that night and voted to give conditional final approval to your 8-lot subdivision subject to the following:

1 - This subdivision shall be developed with a phased schedule as per Section 110.3 of the Underhill Subdivision Regulations. Specifically, Section 110.3 states: "Although a subdivision plat may be approved for multiple lots, only two lots may be separated and sold in any one year. That year shall be defined by the current building permit year." At the present time, the "current building permit year" will continue until April 14, 1992. The next year, for the separation of two additional lots, is April 15, 1992 through April 14, 1993. After April 14, 1993, the town voters may decide to continue the April to April permit year or change to some other schedule, most likely a calendar year time frame. The separation of the 5th, 6th, 7th and 8th lots shall be determined by the building permit year in effect at that time.

APPROVED PHASING SCHEDULE

<u>Building Permit Years</u>	<u>Lots Approved for Separation and Sale</u>
1 - October 08, 1991 - April 14, 1992	2
2 - April 15, 1992 - April 14, 1993	2
3 - April 15, 1993 - *End Current Permit Year	2
4 - Beginning of Current Permit Year - End of Current Permit Year	2

* End of Current Permit Year to be determined by revisions, if any, which are made to the zoning regulations at or near Town Meeting Day 1993.

The existing house site must be included in the phasing schedule if it is to be sold and not held in your ownership. Underhill Subdivision Regulations define "subdivision" by stating that, "...the remainder of the original tract shall count as one lot." If the existing house lot (Lot #1 on the subdivision plans) is not sold, but retained by you, then the fourth year shall recognize one lot for separation and sale. Otherwise, the existing house lot shall be included in the phasing schedule as is the newly created lots.

If the number of lots allowed for separation and sale during any permit year, are not separated and sold, they may be carried over for sale into subsequent permit years. For example, only one lot sold between October 8, 1991 and April 14, 1992, then 3 lots may be sold between April 15, 1992 and April 14, 1993.

2 - The names of two adjoining landowners, Wolcott and Wadhams must be added to the final plat.

3 - Before the commencement of any construction or site modifications, a performance bond must be submitted to and approved by the Underhill Board of Selectmen for any improvements to the property required by this subdivision (See Section 510.2(1)). We expect the bond to address two main items, the retention pond and the development road. However, the Board of Selectmen will have the final decision on the extent of the bond requirement necessary for their approval.

4 - Within 60 days of receipt of this decision, an agreement on the proposed easement deed must be executed between yourself and the Town for the proposed recreation path through the property. If no decision can be reached within 60 days, you must request in writing, before expiration of the 60 days, that an extension be granted, in writing, by the planning commission, for a specified length of time so that an agreement can be reached. No construction or site modifications shall be allowed until said easement deed is recorded in the Underhill town land records.

5 - Final approval of the plat for recording shall not be granted until the approved plat, with the missing adjacent landowner's names, is submitted to the Chairman of the Underhill Planning Commission for review, signing and recording. This must be done within 30 days of receipt this decision (See Section 840, Filing of Final Plat, Underhill Subdivision Regulations). The recording fee, payable to Underhill Town Clerk, is \$10.00, and may be attached to the final mylar plat for recording. The mylar must meet the requirements for recording of plats found in the Vermont State Statutes.

Munson Final Approval
October 16, 1991

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6 - Two copies of the enclosed "Agreement and Waiver" for the private road must be signed and returned to the Underhill Board of Selectmen within 30 days of the date of this letter. Once received and reviewed by the Board of Selectmen, the document will be signed and recorded in the Underhill land records and also must be recorded as part of all deeds for Lots #1 to #7.

7 - Dog covenants outlined in John Jaeger's memo of September 13, 1991 must be included as part of deeds.

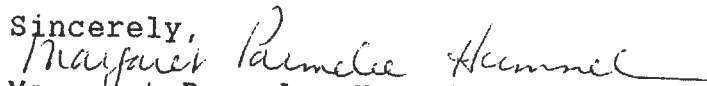
8 - The general terms and conditions upon which final subdivision approval is granted by the Commission extend for a period of three (3) years from the end of the fourth building permit year. During that period minor changes may be approved by a majority of the Commission. The expiration of the general terms and conditions has been modified from Section 870, Expiration of Approval of the Underhill Subdivision Regulations, to recognize the required phasing schedule.

9 - No changes, erasures, modifications, or revisions shall be made on the approved subdivision plat after final approval, unless plat is first submitted to the Commission and the Commission approves the modifications (See Section 850, Revisions).

10 - Final approval for the separation and sale of any lot shall not be granted until the conditions of this approval are met, the plat has been signed by the Chair of the Underhill Planning Commission and the plat is recorded in the Underhill land records.

Please Note: You, or any interested party may appeal this decision to Chittenden County Superior Court within 30 days of the date of this decision, in accordance with V.S.A. Title 24, Section 4475, Appeals; planning commission decisions.

Finally, the Underhill Planning Commission would like to bring to your attention our appreciation of the competence and cooperative spirit of Charles Van Winkle, Skip McClellan and John Jaeger. We also would like to thank you for being patient and understanding during this subdivision review process.

Sincerely,

Margaret Parmelee Hummel, Chair
Underhill Planning Commission

cc: Mr. John Jaeger, South Burlington Realty
Charlie Van Winkle, Fitzpatrick and Llewellyn
Underhill Board of Selectmen
Adjacent Landowners
Underhill Conservation Commission
Underhill Road Foreman